

# **EXHIBIT 15**

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UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
LYNCHBURG DIVISION

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|------------------------------|---|------------------|
| EMERSON CREEK POTTERY, INC., | ) |                  |
|                              | ) |                  |
| Plaintiff,                   | ) |                  |
| v.                           | ) | Case No.         |
| COUNTRYVIEW POTTERY CO.,     | ) | 6:20-CV-0054-NKM |
| EMERSON CREEK EVENTS, INC.,  | ) |                  |
| CHRISTINA DEMIDUK, and       | ) |                  |
| DAVID DEMIDUK,               | ) |                  |
|                              | ) |                  |
| Defendants.                  | ) |                  |

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VIDEO-CONFERENCED DEPOSITION OF  
JONATHAN DOMANUS

November 12, 2021

Via Zoom Video-conference

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Reported by: Jacqueline N. Hagen, RPR

1           A.       Correct, yes. So in September, he would  
2 then -- September of 2020, he would access e-mails  
3 still through Gmail -- the Gmail platform, but the  
4 login -- he'd log in through dave@emersoncreek.com  
5 because that was the dedicated e-mail account then  
6 at that point.

7           Q.       Okay. So that became the actual e-mail  
8 account as dave@emersoncreek.com at some point  
9 around September of 2020?

10          A.       That's correct.

11          Q.       Okay. What -- at that point, are you  
12 aware of what, if anything, happened to the  
13 dave@gmail.com e-mails? Like, anything that would  
14 have been sent to dave@ecreekpotteryandtearoom.com  
15 or dave@emersoncreek.com prior to the transitioning  
16 of the mail service in September 2020, what, if  
17 anything, happened to those e-mails? Do you know?

18          A.       Presumably, they would -- they would  
19 reside in Gmail. I remember that when we did the  
20 transition, Dave had mentioned that there was some  
21 e-mails that were missing and were no longer --  
22 weren't available.

23                    So when -- so that e-mail I showed a  
24 little bit -- a few moments ago, that was the list  
25 of e-mail addresses that Dave wanted to set up in

1 the new Google G Suite as well as the login to the  
2 old accounts so that we could initiate a mail  
3 migration from the old account or the Gmail account  
4 to the new emersoncreek.com e-mails.

5 So that's -- and as I was going through  
6 the process of completing that project, that's where  
7 all those -- that's what that list of e-mails from  
8 Dave was used for.

9 Q. And when you say "mail migration," is  
10 that simply moving the historical e-mails from the  
11 former Gmail account to the Google Workplace  
12 account?

13 A. That's correct.

14 Q. And when you indicated that there was --  
15 that David had said that there were some e-mails  
16 missing, when did he state that to you? Or when did  
17 you hear that?

18 A. It was a little bit after we did the  
19 migration. I want to say it was maybe a couple --  
20 I want to say it was maybe, like, a month or two  
21 after that.

22 I don't remember the exact date, but  
23 Dave had reached out that he was looking for  
24 some e-mails, I believe, relating to this case or  
25 some information that may have been related to this

1 case.

2 Q. All right. Prior to the migration  
3 taking place, did anyone tell you, either Dave or  
4 anyone else affiliated with Emerson Creek Pottery &  
5 Tearoom, that the historical e-mails in the Gmail  
6 account needed to be preserved or saved in any way?

7 A. No, not that I recall.

8 Q. Okay. And is there anything in the  
9 migration process that you're aware of that would  
10 have deleted or removed e-mails?

11 A. No.

12 Q. Okay. What if you tried to go back into  
13 the Gmail account? Have you tried to do that since  
14 the migration occurred, to look in the old Gmail  
15 account to see what's there?

16 A. Not since we did the actual migration,  
17 no.

18 Q. Okay. I mean, does -- do you know  
19 whether that account is still active or whether you  
20 could even still access that information?

21 A. I don't know.

22 Q. Okay. Do you know whether or not some  
23 e-mails from that Gmail account indeed did migrate  
24 into the Google Workspace?

25 A. Yes, I'm certain that some of them did.

1 Q. Okay. How do you know that?

2 A. So Google would let us -- so during the  
3 migration process, we would get a confirmation  
4 through did the -- Google had a tool for performing  
5 the migration, and they would inform us that the  
6 migration had been completed.

7 Q. Okay. And --

8 A. And also, you know, Dave and everyone  
9 else was using their e-mails so we had, you know,  
10 some back and forth during that period confirming  
11 that, you know, everything was set up correctly and  
12 that everyone was able to access and use their  
13 e-mails.

14 Q. Say the beginning of that. I just  
15 missed the very first part of that.

16 A. Sure. We -- we had a few back and forth  
17 communications verifying that all the accounts that  
18 were set up were set up correctly. And there was a  
19 little bit back and forth with, you know, setting up  
20 different filters and some templates and stuff like  
21 that for some users on the accounts but, yeah, we --  
22 we verified with the users that they had access to  
23 their e-mails and that e-mails had migrated over.

24 And I believe at the time I would have,  
25 as well, logged into the accounts just to verify

1 that e-mails were there. Obviously, I can't verify  
2 that, you know, the content of the e-mails and, you  
3 know, which -- that was the right e-mails, but in  
4 our conversations, I was under the impression that  
5 everything had copied over successfully.

6 Q. And that would have been in or around  
7 that September 2020 timeframe?

8 A. Well, so in September, I would have done  
9 the verification or performed the migration and done  
10 the verification and then a period after that is  
11 when everyone, you know, was -- just verifying that  
12 their e-mails were accurate. And then I believe it  
13 was about a month or two after September where Dave  
14 had then brought up about some missing e-mails.

15 Q. That some of the e-mails were missing at  
16 that point in time?

17 A. Right.

18 Q. Correct. But that's nothing as sort of  
19 your quality check to make sure that the migration  
20 had occurred, nothing that had been notified -- or  
21 you had not been notified to any issues relating to  
22 any e-mails not transferring properly or anything  
23 like that?

24 A. That's correct.

25 Q. Have you been into the what I'll call

1 Workplace e-mail account, do you set up any sort of  
2 backup for that? Like, if, for example, you know,  
3 there was an issue with Google Workplace, are they  
4 saved anywhere else? Are they saved on a, you know,  
5 server or somewhere like that?

6 A. No, because the source e-mail would --  
7 still retains a copy of all of the e-mails prior to  
8 the move. So mail migration doesn't delete them  
9 from the source. It just creates a copy of them.

10 Q. Okay. Meaning the source at that point  
11 being whoever originally sent it, or do you mean the  
12 receiving Gmail account?

13 A. So let me ask you a clarifying question  
14 to make sure I understand.

15 Q. Yeah.

16 A. Are you referring to the -- those are  
17 referring to the -- part of the mail migration. So  
18 would this be related to migrating the e-mail from,  
19 let's say, for instance dave@gmail.com to  
20 dave@EmersonCreek, correct?

21 Q. Yes, sir.

22 A. So in that instance, the dave@gmail.com  
23 would still retain a copy of the original e-mail  
24 that was received.

25 Q. Okay. And again, just going back to the



1 specific instances we were talking about earlier  
2 here, at some point in time, after Mr. Demiduk  
3 reported to you that he wasn't able to access  
4 certain e-mails, you attempted to log into the Gmail  
5 account but were unable to?

6 A. Correct.

7 Q. Okay.

8 A. Yeah.

9 Q. And is that just because you didn't have  
10 the right login information?

11 A. That's correct.

12 Q. Okay. And no one was able to get you,  
13 like, an accurate login at that point in time; is  
14 that correct?

15 A. That's correct.

16 Q. Okay. But that doesn't mean that the  
17 Gmail doesn't exist, it just means you weren't able  
18 to access it from what you know?

19 A. That's correct.

20 Q. Okay. I'm going to show you a couple  
21 more documents here if you bear with me.

22 A. Okay.

23 Q. All right. Do you recall -- and you saw  
24 some of this in the text messaging, but at some  
25 point in time, there was discussion about changing

1           A.       Yeah, so I don't remember exactly which  
2       -- which e-mail account it was that -- that Dave was  
3       looking for the extra e-mails, but I remember that  
4       Dave had sent over a couple of passwords to try, and  
5       none of them worked for me. I did not attempt a  
6       password reset. I'm not sure if Dave did.

7           Q.       And do you recall whether, in your  
8       conversations with Mr. Demiduk, whether you  
9       suggested a password reset or whether he had told  
10      you one way or another whether he had tried a  
11      password reset?

12          A.       I don't recall.

13          Q.       In determining potential options for  
14      URLs for domain names, did you have any direct  
15      discussions with either Chris or Dave Demiduk or  
16      Karla or anyone else at Emerson Creek?

17          A.       I can't remember. I -- I presume that I  
18      would have, but I don't recall a specific  
19      conversation around the domain names outside of that  
20      e-mail chain with Lindsay.

21          Q.       Okay. And obviously, the ones that  
22      appeared on the search we discussed earlier were all  
23      either Emerson Creek and then some sort of generic  
24      term.

25                   Or if you look at the other options that